

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re:)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
PHARMACEUTICAL INDUSTRY)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Hon. Patti B. Saris
_____)	

THIS DOCUMENT RELATES TO:

United States ex rel. Ven-A-Care of the)
Florida Keys, Inc. v. Schering Corporation,)
Schering-Plough Corporation and)
Warrick Pharmaceuticals Corporation)
Civil Action No. 09-CV-10547)
MDL Action No. 1456)

United States ex rel. Ven-A-Care of the)
Florida Keys, Inc. v. Schering Corporation,)
Schering-Plough Corporation and)
Warrick Pharmaceuticals Corporation)
Civil Action No. 00-CV-10698)
MDL Action No. 1456)

California ex rel. Ven-A-Care of the)
Florida Keys, Inc. v. Schering Corporation,)
Schering-Plough Corporation and)
Warrick Pharmaceuticals Corporation)
Civil Action No. 03-CV-11226)
MDL Action No. 1456)

**JOINT MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF IN SUPPORT OF
MOTION FOR APPROVAL OF SETTLEMENT**

Pursuant to LR 7.1(B)(4), Relator Ven-A-Care of the Florida Keys (the “Relator” or “Ven-A-Care”), the State of California, and Schering-Plough Corporation, Schering Corporation, and Warrick Pharmaceuticals Corporation (collectively “Schering/Warrick”) respectfully request leave to file a thirty (30) page memorandum in support of their Motion for Approval of their Settlement Agreement and Release (the “Settlement”) between Settling Parties. A number of factors justify the need for an overlength brief. The Settling Parties collaborated to present the Court with a single brief in support of the Settlement, rather than separate briefs by each Settling Party. In addition, the proposed Settlement presents a number of significant legal issues that the Settling Parties needed to address. Lastly, the Settling Parties believe the overlength brief will aid the Court’s understanding of the Settlement and the factual and legal bases for approving the Settlement.

WHEREFORE, for the reasons set forth above, the Settling Parties respectfully request that this Court grant this motion for leave to file an overlength, thirty (30) page, brief in support of their motion for approval of the Settlement.

Respectfully submitted,

/s/ John P. Bueker

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Dated: August 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2009, a true copy of the above Joint Motion for Leave to File an Overlength Brief in Support of Motion for Approval of Settlement was served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

August 7, 2009

/s/ John P. Bueker

John P. Bueker